HON'BLE SRI JUSTICE D.S.R. VARMA

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REVIEW W.P.M.P.NO. 4475 OF 2006

IN

W.P.NO.629 OF 2006

ORAL ORDER:

Heard both sides.

2. The present application is filed seeking to review the order, dated 11-01-2006, in W.P.No.629 of 2006, passed by this Court, closing the said Writ Petition with certain directions and observations.

3. The grievance of the learned Government Pleader for Revenue is that suppressing certain facts viz., passing of final order, dated 12-05-2005, by the Deputy Collector & Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District, subsequent to the issuance of Notice under Section-7 of the Act, issuance of a further Notice under Section-6 of the Act on 12-05-2005 and the panchanama, dated 12-07-2005, for eviction of the writ petitioner, which were much prior to the filing of the writ petition, the writ petitioner had obtained the said order, dated 11-01-2006, from this Court.

4. As could be seen from the order in the said writ petition, the grievance of the writ petitioner was that a Notice under Section-7 of the Land Encroachment Act (for short "the Act") had been issued and the authorities concerned were proceeding to evict him without following due process of law. In those circumstances, at the stage of admission, this Court passed the following order:

> **"Therefore, it is suffice to close the writ petition with a direction to the first respondent to pass a final order on the Notice issued under Section 7 of the Act taking into account the detailed representation/objections filed by the petitioner. The petitioner is also at liberty to file a civil suit if really he is aggrieved by the action of the respondents. Till the disposal of the Notice and the appeal thereto, there shall be status-quo for all purposes including dispossession, if not already taken place."**

5. In fact, in view of the material placed before this Court by the learned Government Pleader for Revenue, along with the present review application, the above directions and observations made in the order, dated 11-01-2006, in W.P.No.629 of 2006, may not be very relevant, more particularly in view of the passing of final order, dated 12-05-2005, by the Deputy Collector & Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District, and issuance of a further Notice under Section-6 of the Act on 12-05-2005 and the panchanama, dated 12-07-2005, for eviction of the writ petitioner, which was much prior to the filing of the writ petition.

6. Therefore, as a matter fact, the authorities ought have understood the implication of the order, dated 11-01-2006, in W.P.No.629 of 2006, passed by this Court, in right perspective instead of filing an application, like the present one, seeking to review the said order of this Court, which is totally not necessary.

7. In view of the contention of the learned Government Pleader for Revenue that certain facts were not brought to the notice of this Court, the official respondents are at liberty to intimate the writ petitioner, if not already intimated, the facts, including the procedure that was already followed, and proceed with the matter further, in accordance with law.

8. With the above observations, the Review application is closed.

9. It is made clear that the order, dated 11-01-2006, in W.P.No.629 of 2006, passed by this Court, shall not come in the way of the respondents to proceed with the matter further, in accordance with law.

_____ D.S.R.VARMA, J

24TH MARCH 2006

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